

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)
The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: FEBRUARY 17, 2017. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

Application Number : 43A 30104827

Applicant : 4 DIAMOND RANCH AT WALLROCK LLC
31 ST JAMES AVE #740
BOSTON, MA 02116 4186

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	43A 7011-00	AUGUST 1, 1950
STATEMENT OF CLAIM	43A 7013-00	AUGUST 1, 1950

PAST USE OF WATER

WATER RIGHTS 43A 7011-00 AND 43A 7013-00 ARE FROM UNDEVELOPED SPRINGS, SOURCE TYPE SURFACE WATER.

THE POINT OF DIVERSION OF STATEMENT OF CLAIM 43A 7011-00 IS A POINT IN THE NWNWSW OF SECTION 24, T04 N, R07 E, GALLATIN COUNTY. WATER WAS THEN CONVEYED FROM THIS POINT OF DIVERSION THROUGH A CONTOUR DITCH TO THE PLACE OF USE IN THE SE OF SECTION 23 AND THE SW OF SECTION 24, T04 N, R07 E, GALLATIN COUNTY. WATER RIGHT 43A 7011-00 HAS A CLAIMED PLACE OF USE OF 10 ACRES, BUT THE APPLICANT PROVIDED EVIDENCE THAT THIS RIGHT WAS PRIMARILY EXERCISED ON 5 ACRES. THE CLAIMED FLOW RATE FOR WATER RIGHT 43A 7011-00 IS 0.38 CFS. THIS WATER RIGHT CLAIMS A PRIORITY DATE OF AUGUST 1, 1950. THE PERIOD OF DIVERSION FOR THIS CLAIM IS APRIL 1 TO NOVEMBER 1.

THE POINT OF DIVERSION OF STATEMENT OF CLAIM 43A 7013-00 IS A POINT IN THE NESESE OF SECTION 23, T04 N, R07 E, GALLATIN COUNTY. WATER WAS THEN CONVEYED FROM THIS POINT OF DIVERSION THROUGH CONTOUR DITCHES TO THE PLACE OF USE IN THE SE OF SECTION 23 AND THE SW OF SECTION 24, T04 N, R07 E, GALLATIN COUNTY. WATER RIGHT 43A 7013-00 HAS A CLAIMED PLACE OF USE OF 40 ACRES, BUT THE APPLICANT PROVIDED EVIDENCE THAT THIS RIGHT WAS PRIMARILY EXERCISED ON 20.8 ACRES. OF THESE 20.8 ACRES, 5 ACRES WERE PRIMARILY IRRIGATED BY WATER RIGHT 43A 7011-00, BUT WERE ALSO IRRIGABLE UNDER 43A 7013-00. THE CLAIMED FLOW RATE FOR WATER RIGHT 43A 7013-00 IS 0.75 CFS. THIS WATER RIGHT CLAIMS A PRIORITY DATE OF AUGUST 1, 1950. THE PERIOD OF DIVERSION FOR THIS CLAIM IS APRIL 1 TO NOVEMBER 1.

FLOW RATE: 1.13 CFS **VOLUME:** 26.04 AC-FT

THE APPLICANT PROPOSES TO CHANGE SUPPLEMENTAL IRRIGATION STATEMENTS OF CLAIM 43A 7011-00 AND 43A 7013-00 TO PROVIDE WATER TO TWO NEW PONDS FOR THE PURPOSES OF FISHERIES AND RECREATION. THEY PROPOSE TO CHANGE THE PURPOSE, PLACE OF USE, POINT OF DIVERSION, AND PERIOD OF USE FOR 43A 7011-00. FOR 43A 7013-00, THEY PROPOSE TO CHANGE THE PURPOSE, PLACE OF USE, AND PERIOD OF USE. A PLACE OF STORAGE, THE TWO PONDS, WILL BE ADDED TO BOTH RIGHTS.

THE APPLICANT PROPOSES TO REMOVE 20.8 ACRES FROM IRRIGATION IN THE SE OF SECTION 23 AND THE SW OF SECTION 24, T04 N, R07 E, GALLATIN COUNTY. THE VOLUME OF WATER THAT WAS HISTORICALLY CONSUMED BY IRRIGATION, 14.32 ACRE-FEET (AF), WILL NOW BE USED TO FILL THE TWO PONDS AND ACCOUNT FOR A PORTION OF THE WATER LOST TO EVAPORATION. THE UPPER POND HAS A CAPACITY OF 7.92 AF; THE LOWER, A CAPACITY OF 2.78 AF. ANNUAL EVAPORATIVE LOSSES WILL TOTAL 4.16 AF FOR THE UPPER POND AND 1.83 AF FOR THE LOWER POND. THE TOTAL APPROPRIATION IS THEREFORE 16.69 AF. THE REMAINING PORTION OF EVAPORATIVE LOSSES NOT COVERED BY THE STATEMENTS OF CLAIM WILL BE ACCOUNTED FOR UNDER NOTICES OF COMPLETION OF GROUNDWATER DEVELOPMENT 43A 30104821 AND 43A 30104822.

THE POINT OF DIVERSION FOR 43A 7013-00 WILL REMAIN THE SAME. THE POINT OF DIVERSION FOR 43A 7011-00 WILL BE CHANGED TO THAT OF 43A 7013-00, SO THE TWO RIGHTS WILL SHARE THE SAME POINT OF DIVERSION AFTER THE COMPLETION OF THIS CHANGE. THE LEGAL LAND DESCRIPTION FOR THE POINT OF DIVERSION IS THE NESESE OF SECTION 23, T04 N, R07 E, GALLATIN COUNTY.

THE APPLICANT PROPOSES TO USE THE CHANGED WATER RIGHTS IN ASSOCIATION WITH NOTICES OF COMPLETION OF GROUNDWATER DEVELOPMENT NOS. 43A 30104821 AND 43A 30104822, WHICH ARE SERVED BY TWO WELLS.

PUBLISHED IN: LIVINGSTON ENTERPRISE ON JANUARY 4, 2017.